

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

V.

JOSE RIGOBERTO FRAUSTO-DIAZ,

Defendant.

Case No: 8:09CR3

## ORDER

The court has been presented a Financial Affidavit (CJA Form 23) signed by the above-named defendant in support of a request for appointed counsel. After a review of the Financial Affidavit, I find that the above-named defendant is eligible for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and Amended Criminal Justice Act Plan for the District of Nebraska.

**IT IS ORDERED** that David O'Neill is appointed as attorney of record for the above-named defendant in this matter and shall forthwith file an appearance in this matter.

**IT IS FURTHER ORDERED** that the Federal Public Defender's Office shall forthwith provide counsel with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.

**IT IS FURTHER ORDERED** that counsel's appointment herein is made pursuant to 18 U.S.C. § 3006A(f). At the time of the entry of judgment herein, defendant shall file a current and complete financial statement to aid the court in determining whether any portion of counsel's fees and expenses should be reimbursed by defendant.

**IT IS FURTHER ORDERED** that the Clerk shall provide a copy of this order to the Federal Public Defender for the District of Nebraska and David O'Neill.

DATED this 21<sup>st</sup> day of January, 2009.

BY THE COURT:

s/ F.A. Gossett  
United States Magistrate Judge